

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 Civil Action No. 04-11800DPW

4 ADAM HELFAND, CARON HELFAND, AND MITCHELL
5 HELFAND

6 VS.

7 THE JOHN DEWEY ACADEMY, INC., THOMAS BRATTER,
8 CAROLE BRATTER, KEN STEINER, AND GWENDOLYN
9 HAMPTON

10 DEPOSITION OF: GWENDOLYN HAMPTON, taken before
11 Rebekah J. Johnson, Registered Merit Reporter,
12 Notary Public, pursuant to Rule 30 of the
13 Federal Rules of Civil Procedure, at the law
14 offices of William A. Rota, 75 North Street,
15 Pittsfield, Massachusetts 01201, on May 31,
16 2006, commencing at 11:30 a.m.

17 APPEARANCES:
18 (Please see page 2)

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21 Rebekah J. Johnson
22 Registered Merit Reporter
23

1 Q. Have you ever been married?

2 A. No.

3 Q. Can you please tell me the names and
4 dates of birth of the children that are living
5 with you?

6 A. Joshua Spencer Hampton, he's 16.
7 Jessica Ann Hampton will be 14 on Friday. And
8 Maya Fay Hampton Helfand is two and a half.

9 Q. And their dates of birth?

10 A. Josh is 3/17/90, Jess is 6/2/92 and
11 Maya is 9/17/03.

12 Q. Is it true that you have only had one
13 other child that you have given birth to
14 besides these three?

15 A. No.

16 Q. Has there been more than one other
17 child that you have give birth to?

18 A. Yes.

19 Q. There is Vanessa, correct, that was
20 her name?

21 A. Yes.

22 Q. And when was Vanessa born?

23 A. In the summer of '02.

1 Q. June of '02, I believe?

2 A. Yes.

3 Q. Do you remember the date?

4 A. No.

5 Q. And then tell me what other children
6 you have given birth to that are not currently
7 living with you?

8 A. There's -- you mean -- I don't have
9 the names of them anymore.

10 Q. Did they have names when they were
11 born?

12 A. Yes.

13 Q. Tell me what their names were at least
14 at the time they were born.

15 A. Grace.

16 Q. And date of birth?

17 A. In '01.

18 Q. Month?

19 A. March.

20 Q. Do you know the day?

21 A. No.

22 Q. And --

23 A. That's it.

1 A. Maya was born in Great Barrington.

2 Q. In a hospital?

3 A. Fairview Hospital.

4 Q. Adam Helfand is the father of Vanessa?

5 A. Yes.

6 Q. And is Adam Helfand also the father of
7 Mia?

8 A. Maya.

9 Q. Maya, sorry.

10 A. Yes.

11 Q. Tell me who the father of Grace is.

12 A. Chris Hebert.

13 Q. How do you spell it?

14 A. H-e-b-e-r-t.

15 Q. And who is Chris Hebert or how did you
16 meet him?

17 A. I worked with him.

18 Q. At John Dewey?

19 A. Yes.

20 Q. Was he a staff member?

21 A. Yes.

22 Q. What was his job?

23 A. Maintenance.

1 positions that you held during the about 11
2 years that you worked at John Dewey that we
3 haven't talked about?

4 A. Not that I remember right now.

5 Q. When you were hired by John Dewey in
6 1992, what was the position?

7 A. Part-time Spanish teacher.

8 Q. What were your duties and
9 responsibilities?

10 A. I taught three to four Spanish
11 classes.

12 Q. And were you promoted to another
13 position after this part-time one?

14 A. I became a salaried teacher.

15 Q. Is that like saying you became a
16 full-time employee?

17 A. Yes.

18 Q. How long after you started did you
19 become a salaried, full-time teacher?

20 A. I don't remember. I think it's a
21 couple terms. It might have been just after
22 that summer term. I sorry, I don't remember.

23 Q. Within the first year?

1 A. Yes, I think so.

2 Q. You think so?

3 A. I think so.

4 Q. When you became -- is it accurate for
5 me to describe it as a full-time teacher at
6 that point?

7 A. Yes.

8 Q. When you became a full-time teacher,
9 what were your duties and responsibilities?

10 A. Pretty much the same thing. I taught
11 Spanish classes. I also at some point started
12 teaching a little bit of other things.

13 Q. What other things?

14 A. I don't remember what order it came,
15 but I taught courses related to women's studies
16 or history with Latin American studies and
17 stuff.

18 Q. And when you became a full-time
19 teacher within that first year, did you have
20 any other responsibilities besides the teaching
21 ones at John Dewey?

22 A. No.

23 Q. At some point in time did your

1 responsibilities or obligations at the school
2 expand beyond teaching the Spanish classes and
3 some of these other classes you've described?

4 A. Yes.

5 Q. What was the next thing that it
6 expanded to?

7 A. Houseparent.

8 Q. And just to clarify, at some point you
9 also supervised the kitchen?

10 A. Yes.

11 Q. Did that come after you became a
12 houseparent?

13 A. Yes.

14 Q. So houseparent would be the next
15 expansion of your role at John Dewey?

16 A. Yes.

17 Q. And who did you take over from as
18 houseparent?

19 A. I believe it was Sally Mahoney but I'm
20 not a hundred percent sure.

21 Q. During the time that you worked as a
22 houseparent for we agree is approximately five
23 years; is that right?

IN THE UNITED STATES DISTRICT COURT
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CAROLE BRATTER, KEN STEINER, AND GWENDOLYN
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DEPOSITION OF: GWENDOLYN HAMPTON, taken before
Rebekah J. Johnson, Registered Merit Reporter,
Notary Public, pursuant to Rule 30 of the
Federal Rules of Civil Procedure, at the
offices of William A. Rota, 75 North Street,
Springfield, Massachusetts 01201, on June 1,
2006, commencing at 9:15 a.m.

APPEARANCES:
(Please see page 2)

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Rebekah J. Johnson
Registered Merit Reporter

1 Q. Would she be the closest of all of
2 them, Carol, Annie and Elsa?

3 A. Yes.

4 Q. Where does Elsa live?

5 A. Christian Hill Road in Great
6 Barrington.

7 Q. Did Elsa know about Grace?

8 A. No.

9 Q. Is Elsa somebody that knew about Maya
10 before Maya was actually born?

11 A. Yes.

12 Q. Did Elsa know that Adam was the
13 father?

14 A. Yes.

15 Q. How can you be so certain that Adam is
16 the father?

17 A. Because I didn't have any relations
18 with anybody else.

19 Q. I see. So before Elsa was born --
20 strike that. Up until the time Maya was born,
21 had you had sexual relations with anybody else
22 besides Adam in that previous year?

23 A. Not in the previous four years.

1 Q. In the previous four years, okay.

2 Now, tell me how you were able to
3 conceal three pregnancies from your friends and
4 from the people at John Dewey Academy.

5 A. I don't know, I wore loose clothes.

6 Q. Is that basically how you did it,
7 wearing loose clothes?

8 A. Yeah, I pretty much wore the same
9 clothes all the time. They're always -- I
10 don't know.

11 Q. Did you gain weight with the pregnancy
12 of Grace?

13 A. Yes.

14 Q. Do you remember how much?

15 A. No, I didn't get prenatal care.

16 Q. What about with the pregnancy of
17 Vanessa, I assume you gained weight there, too?

18 A. Yes.

19 Q. Do you remember how much by the end of
20 the pregnancy?

21 A. No, I was well over 200 pounds.

22 Q. You were well over 200 pounds?

23 A. Yes.

1 Q. What's your normal weight?

2 A. Back then it was like 180.

3 Q. What about with Maya, I'm assuming you
4 also gained weight?

5 A. Yes.

6 Q. The same general weight gain as with
7 the Vanessa and Grace?

8 A. Yes, it was more, I was heavier still,
9 but yes.

10 Q. With Maya?

11 A. When I started.

12 Q. I see you started at a heavier weight
13 when Maya was conceived?

14 A. Yes.

15 Q. Did you gain about the same weight
16 with Maya as with Vanessa?

17 A. I guess, around that.

18 Q. Were there any complications with any
19 of these three pregnancies?

20 A. No. During Maya I was monitored, I
21 had gestational diabetes but nothing horrible.

22 Q. Was there anything that required you
23 to take, for example, more absences from

1 school?

2 A. No.

3 Q. So whatever care you got you were able
4 to work it in and out of your school
5 responsibilities?

6 A. Yes.

7 Q. And after these children were born,
8 how did you deal with the nursing issues that
9 come up after a pregnancy to keep --

10 A. The nursing issue?

11 Q. Let me put it this way. After these
12 children were born, how did you deal with the
13 nursing issues that come up after a pregnancy
14 in order to conceal, to continue to conceal the
15 fact you had just delivered the child?

16 A. They were given up for adoption except
17 for Maya and I wasn't working anymore.

18 Q. And you weren't working, I see, when
19 Maya was born.

20 A. The first notice came in September,
21 Maya was born in September.

22 Q. When did John Dewey Academy, Tom
23 Bratter in specific, know about the pregnancy

1 with Maya?

2 A. After she was born, and I'm not sure
3 when. I'm not sure when they found out.
4 Somewhere at some point I sent an e-mail to
5 Carol.

6 Q. And after the letter came to the
7 school in early September, did you continue to
8 work at the school for a period of time?

9 A. It was a matter of days. I don't
10 remember exactly.

11 Q. At the time that you were working at
12 John Dewey and Adam was a student there, did
13 you keep a personal diary of some kind?

14 A. I kept journals.

15 Q. Is that something that you had done
16 sort of habitually keeping journals?

17 A. Off and on, yes.

18 Q. When was the first time you ever
19 started to keep a journal in your life?

20 A. When I was a kid.

21 Q. And do you still on and off keep them
22 through today?

23 A. No.

1 Q. I'm going to direct your attention to
2 about the eighth line down where it says, "My
3 mind wanders over the last nine months exactly
4 to so many wondrous moments of happiness, of
5 sadness," it looks like "glee, frustration,
6 passion, compassion, excitement" -- what's the
7 word after "excitement"?

8 MR. WORTH: "Lulls" it looks like
9 to me.

10 Q. (BY MR. HARDOON) "Lulls," is that it?

11 A. Yes.

12 Q. "And it has been intense." Do you see
13 that sentence?

14 A. Yes.

15 Q. Do you see right in the beginning of
16 that sentence there's a listing of months that
17 start November, December, January, February,
18 March, April, May, June, July, August?

19 A. Yes.

20 Q. Do you see that each of those months
21 is numbered, December is 1, January is 2,
22 February is 3, March is 4, April is 5 up to
23 August which is 9? Do you see that?

1 A. Yes.

2 Q. And those would be the nine months
3 that you are referring to in the sentence right
4 after that?

5 A. Yes.

6 Q. So is it fair to assume that what you
7 are referring to here is the nine months since
8 the relationship with Adam became a sexual,
9 intimate relationship?

10 A. Yes.

11 Q. So would it be fair for me to conclude
12 at least from this letter and from your memory
13 at this point in time, that the relationship
14 with Adam became sexual, first of all, during
15 his senior year at John Dewey; is that correct?

16 A. Yes.

17 Q. And it appears to have begun somewhere
18 in the November, December of 2000 time frame;
19 is that true?

20 A. Yes.

21 Q. And down at the second paragraph on
22 the first page it says, "I am enjoying the
23 peace (Jennie was too)." Who is Jennie?

1 that even his coming to my house would probably
2 result in his being expelled and was worried
3 about what that would do for him. So I already
4 felt the moment that happened and like a
5 situation where he was compromised, and then at
6 that point I just went along with what I was
7 feeling and he was feeling.

8 Q. Well, but my question was a little bit
9 different. I'm asking whether -- let me put it
10 a different way.

11 Do you think that, do you think as you
12 look back on it today that your engaging in
13 this relationship with Adam is in any way,
14 shape or form connected to your own history as
15 a child growing up with your stepfather?

16 A. No, I never felt like I was abusing
17 Adam.

18 Q. No, I don't mean that.

19 A. Well, that's what it was with my dad,
20 so.

21 Q. After Vanessa was born, it was not a
22 very long time before you began to have sexual
23 intercourse with Adam again; isn't that true?

1 A. Yes.

2 Q. We are now in the summer of 2002.

3 A. Yes.

4 Q. And shortly after or within two or
5 three months of the birth of Vanessa you got
6 pregnant again, correct?

7 A. Yes.

8 Q. And this was another child of Adam
9 Helfand's?

10 A. Yes.

11 Q. And in this particular instance the
12 decision was made to get an abortion.

13 A. Yes.

14 Q. Where did you go for that abortion?

15 A. Springfield.

16 Q. Where in Springfield?

17 A. I don't know. It was related to
18 Tapestry Health.

19 Q. Does Tapestry Health still exist, do
20 you know?

21 A. I'm not sure. It's in Great
22 Barrington. I mean I saw a sign in the
23 Fairview Hospital. I'm not sure if they moved

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15 Springfield, Massachusetts 01201, on June 2,
16 2006, commencing at 9:27 a.m.

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17 APPEARANCES:
18 (Please see page 2)

21 Rebekah J. Johnson
22 Registered Merit Reporter
23

1 random basis Tom or Ken might pull you aside
2 and offer you some feedback in addition to the
3 discussions in the meetings about your primees?

4 A. I don't really remember it like that.
5 Like I said, sometimes I would go to them if I
6 had an issue or wanted to do something in
7 between clinical meeting and groups with one of
8 my primees, but I don't remember being pulled
9 aside to be spoken to about it.

10 Q. Now, I want to talk to you about --
11 strike that.

12 Before you became a clinician, were you
13 given any written materials describing the
14 rules for being a clinician at John Dewey?

15 A. Not that I recall.

16 Q. And I think you said yesterday you
17 weren't really aware of any written rules or
18 policies; is that right?

19 A. Right.

20 Q. But you were aware even before you
21 were a clinician that there were certain
22 cardinal rules at John Dewey, right?

23 A. Yes.

1 Q. And those would be no drinking, right?

2 A. Yes.

3 Q. No smoking?

4 A. Yes.

5 Q. No sex?

6 A. Yes.

7 Q. No violence?

8 A. Yes.

9 Q. Were there any other ones?

10 A. No, I think that was it.

11 Q. Even though they weren't in writing,
12 you were fully aware of those rules, were you
13 not?

14 A. Yes.

15 Q. And is it your perception everybody
16 else in the school was aware of them as well
17 despite the fact they weren't written down?

18 A. Yes.

19 Q. They were clearly communicated to
20 everybody in school, weren't they?

21 A. Yes.

22 Q. And your perception is that everybody
23 knew them?

1 A. Yes.

2 Q. And that violation of those rules was
3 grounds for expulsion from the school; did you
4 understand that as well?

5 A. Yes.

6 Q. Was it your perception everybody else
7 in the school understood that, notwithstanding
8 that they might not have been written down?

9 MR. ROTA: Excuse me, I want to
10 clarify. When you are talk about everybody,
11 you are talking about students and staff?

12 MR. WORTH: The whole community.
13 It's a community-based school.

14 MR. ROTA: Have you been answering
15 understanding we have been talking about the
16 entire community including staff?

17 THE WITNESS: Yes.

18 What's your question again?

19 MR. WORTH: Why don't you read it
20 back, Becky, I'm not sure. With Rota
21 interrupting me I can't keep up with it.

22 (Reporter read back as requested.)

23 Q. (BY MR. WORTH) Was it your

1 understanding, Gwen, that everybody within the
2 John Dewey community understood that violation
3 of any of the cardinal rules could be grounds
4 for expulsion of students or termination of a
5 job for a staff?

6 A. Those were stated as cardinal rules
7 for the students. The way you worded it that
8 time, yes, that they could be expelled for
9 those.

10 Q. Did you understand as well that with
11 respect to the sex rule that sex with a student
12 by a staff would be grounds or could be grounds
13 for expulsion of the student and termination of
14 the staff?

15 A. (No response.)

16 Q. Did you understand that?

17 A. Yes, based on the cardinal rule, Adam
18 is not to be having sex, and just based on
19 common sense I think staff shouldn't be having
20 sex with students or they could be fired.

21 Q. Well, how about your relationship with
22 Chris, did you have a perception that your
23 sexual relationship with a staff member, a

1 MS. PERKINS: Objection.

2 THE WITNESS: Yes.

3 Q. (BY MR. WORTH) Have I stated that
4 accurately, Gwen?

5 A. Yes.

6 Q. And that was your motivation in not
7 telling him right away, wasn't it?

8 MS. PERKINS: Objection.

9 THE WITNESS: Yes, I didn't know
10 what his reaction was going to be and we were
11 sort of off and on, yes.

12 Q. (BY MR. WORTH) So then you guys had
13 this discussion or series of discussions about
14 what to do now that you were pregnant, right?

15 A. Yes.

16 Q. What was Adam's reaction -- strike
17 that.

18 What possibilities did Adam present as
19 what you could do with the baby?

20 A. I said the other day that I could give
21 the baby up for adoption or I could go start
22 somewhere over and take, and have three
23 children by myself.

1 Q. Were there any other possibilities the
2 two of you considered either together or
3 separately?

4 A. I had asked him how he felt about
5 telling his family so they could help us, and
6 he said his mom wouldn't be able to handle
7 something like that.

8 Q. Why not?

9 A. He gave the reason because of her
10 social standing and stuff like that.

11 Q. So would you say that the decision to
12 place the baby with an adoption agency was one
13 that you made, one that he made or one that you
14 made together?

15 A. One that we made together.

16 Q. And he participated in that decision,
17 correct?

18 A. Yes.

19 Q. And he participated in the adoption
20 process, did he not?

21 A. Yes, he participated in helping find
22 the agency, he participated in meeting the
23 agency and the parents, yes.

1 Q. And then he was there when the baby
2 was born.

3 A. Yes.

4 Q. Before the baby was born, did you and
5 Adam meet with the adopting couple?

6 A. Yes.

7 Q. Before the baby was born?

8 A. Yes.

9 Q. And did you have any say in the
10 selection of the couple?

11 A. Me, or Adam and I?

12 Q. Well, let's start with you. Did the
13 agency say to you we want your help in
14 selecting the couple that will raise the child?

15 A. No, Adam and I decided what kind of
16 adoption, we decided we wanted to do one where
17 we would meet and interview parents. We
18 reviewed a bunch of portfolios and chose this
19 couple.

20 Q. And Adam participated in that process?

21 A. Yes.

22 Q. And Adam was there when you gave
23 birth?

1 A. Yes.

2 Q. Was the adopting couple there when you
3 gave birth?

4 A. Yes.

5 Q. Yes, they were?

6 A. Yes.

7 MR. WORTH: Let's mark this one as
8 the next one.

9 (Deposition Exhibit No. 49
10 offered and marked.)

11 Q. (BY MR. WORTH) I'm going to show you
12 a series of three copies of photos, and am I
13 correct that the top left is you, Adam, Vanessa
14 and the adopting couple, right?

15 A. Yes.

16 Q. Was there a plan that you and Adam
17 would be able to visit the child after the baby
18 was placed for adoption?

19 A. Yes.

20 Q. So it's what's called an open
21 adoption?

22 A. Yes.

23 Q. And that's something Adam wanted to

1 something because their attitude towards me was
2 a little different and Mitch said he would tell
3 Caron. So that was a trip that wasn't really
4 planned, it was an idea. Adam and I went in
5 and out of being involved, and I don't know if
6 when that meeting was we were sexually
7 involved.

8 Q. But you were still seeing him, you
9 still had a relationship with him.

10 A. Yes.

11 Q. And you saw him on his birthday
12 March 10, 2003, right?

13 A. Yes.

14 Q. His 21st birthday. Do you remember
15 that?

16 A. Yes.

17 Q. Where did you meet?

18 A. In his dorm room.

19 Q. You went to see Adam in
20 Manhattanville?

21 A. Yes.

22 Q. When you saw him in Manhattanville,
23 that's the last time you ever saw him, isn't

1 it?

2 A. Yes.

3 Q. Did you have sex with him?

4 A. I think so, yes.

5 Q. So your relationship still was sexual
6 then, so at least that time it was, March 10,
7 2003?

8 A. Right.

9 Q. In fact by then did you know you were
10 pregnant?

11 A. Yes.

12 Q. So did anything happen at that last
13 time you were together, Gwen, that made you
14 believe that Helfand's parents might know about
15 you and you?

16 A. The last time I saw Adam?

17 Q. Yes.

18 A. No, the phone calls happened like
19 weeks before at my place when Adam was
20 visiting.

21 Q. Okay, so --

22 A. The phone call I'm referring to where
23 his mom didn't talk to me much and we decided